

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5887 of 1998

with

SP. CIVIL APPLICATIONS No 5889, 5890, 5892, 5893 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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CHHOTUBHAI K. CHAUDHARY

Versus

SECRETARY

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Appearance:

MR JV BHAIKAVIA for Petitioner

MR SP HASURKAR for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/04/99

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Rule. Shri S.P. Hasurkar, waives service of Rule on behalf of respondents.

3. Grievance has been made by the petitioners that

the persons junior to them in the cadre of Dy. Mamlatdar were given appointment to the post of Mamlatdar.

4. From the reply of the respondents, I find that this contention is not correct. The seniority list of Dy. Mamlatdar has been published vide resolution of the Revenue Department dated 6-1-1997 wherein the petitioners were shown junior to the persons who have been given promotion under the impugned order. The petitioners have not challenged that seniority list before this Court.

5. In view of this fact, the grievance made by the petitioners in these special civil applications does not survive and the same are dismissed. Rule discharged. However, the dismissal of these special civil applications will not come in the way of the petitioners to challenge the seniority list dated 6-1-1997 and in case it is challenged before this Court then the special civil application may be decided in accordance with law. The petitioners are directed to pay Rs.400/- as costs in each petition to the respondent. Learned counsel for the petitioners state that the petitioners are very low paid employees and they are posted in the remote places and they are not in a position to pay the costs. Looking to this fact, the paying authority of the petitioners is directed to recover this amount of costs from the salary of the petitioners in the monthly installment of Rs.50/-. Copy of this order may sent forthwith to the Collector concerned.

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zgs/-